



Kuwait

Country Reports on Human Rights Practices - [2002](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 31, 2003

Kuwait is a constitutional, hereditary amirate ruled by princes (Amirs) drawn from the Al-Sabah family. The Al-Sabahs have governed in consultation with prominent commercial families and other community leaders for over 200 years. The 1962 Constitution provides for an elected National Assembly and details the powers of the Government and the rights of citizens, although the Constitution also permits the Amir to suspend any or all of its provisions by decree. Only 14.8 percent of citizens (males over the age of 21) have the right to vote. The most recent general election, held in July 1999, was conducted as provided in the Constitution after the Amir dissolved a gridlocked National Assembly. A by-election was held in December 2000 to fill the seat of a deceased Member of Parliament (M.P.). In both cases, the election campaigns were generally considered to be free and fair; however, there were some problems. Executive and legislative leaders continued to develop political institutions by resolving major disagreements within the framework of the Constitution and without recourse to extrajudicial measures.

Citizens do not have the right to change their Government. Under the Constitution, the National Assembly has a limited role in approving the Amir's choice of Crown Prince (that is, the future Amir). If the National Assembly rejects his nominee, the Amir then submits three names, from which the Assembly must choose the new Crown Prince. The Amir traditionally has appointed the Crown Prince to be Prime Minister, although this is not mandatory; the Crown Prince appoints the members of the Government. However, the elected National Assembly has demonstrated the ability at times to influence or overturn decisions of the Government. Members regularly require ministers to appear before the full Assembly for formal question sessions when they are dissatisfied with the Government's performance. On occasion, pressure exerted by the National Assembly, including through votes of no confidence, has led to the resignation or removal of ministers. In July the Minister of Finance survived a "no-confidence" vote.

The Government bans formal political parties, and women do not have the right to vote or seek election to the National Assembly. A law promulgated in 1998 bans primaries previously conducted by religious sects and tribes. The Constitution and law provide for a degree of judicial independence; however, the Amir appoints all judges, and renewal of most judicial appointments was subject to government approval.

The national police, the Criminal Investigation Division (CID) and Kuwait State Security (KSS) were responsible for internal security under the supervision of civilian authorities of the Ministry of Interior. Members of the security forces committed a number of human rights abuses.

With large oil reserves, the economy was highly dependent on its energy sector. The Government owned the Kuwait Petroleum Corporation and, despite its stated emphasis on an open market, it dominated the local economy through direct expenditures and government-owned companies and equities. Oil revenue provided about 85 percent of total government revenues. According to government statistics, 93 percent of the indigenous workforce was employed in the public sector, while foreigners constituted 94 percent of the private sector workforce. Within a total population of 2.3 million there were 870,000 citizens who enjoyed one of the highest standards of living in the world. Domestic servants and unskilled workers often lived and worked in poor conditions.

The Government generally respected the human rights of its citizens in many areas, and there were some improvements during the year; however, its record was poor in some significant areas. Some police and members of the security forces abused detainees during interrogation. Overcrowding in the prisons continued to be a problem; however, the Government completed construction on two new prison buildings and began constructing a third.

The judiciary was subject to government influence, and a pattern of bias against foreign residents existed. The Government infringed on citizens' privacy rights in some areas. Security forces occasionally monitored the activities of persons and their communications. The Government restricted freedom of speech and the press. The Government restricted freedom of assembly and association. The Government placed some limits on freedom of religion and freedom of movement. Violence and discrimination against women, especially foreign domestic servants, were problems and discrimination against noncitizens

persisted.

A problem existed with regard to the legal status of approximately 74,000 "bidoon," Arabs with residency ties but no documentation of their nationality. The Government restricted worker rights. The Labor Law did not protect domestic workers, whose situation remained poor. Unskilled foreign workers suffered from the lack of a minimum wage in the private sector, from the Government's failure to enforce the Labor Law, and at times physical abuse; some worked under conditions that, in effect, constituted indentured servitude. Young boys, usually from South Asia, were used as jockeys in camel races. Kuwait was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

The country suffered under Iraqi occupation from August 1990 to February 1991, when an international coalition expelled Iraqi forces. Many human rights violations committed by the Iraqi army during this period remained unresolved, particularly the fate of 605 citizens and other residents taken by Iraq who were still unaccounted for at year's end.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

There were no developments in the investigations into the extrajudicial killings that occurred during the period after the country's liberation in February 1991.

b. Disappearance

There were no reports of politically motivated disappearances.

According to the International Committee of the Red Cross (ICRC), Iraqi authorities have not accounted for 605 citizens and other residents taken prisoner during Iraq's occupation of the country. There has been no significant development since 1994 in these disappearance cases. The Government of Iraq has refused to comply with U.N. Security Council Resolution (UNSCR) 687, which stipulates the release of detainees. In 1999 Iraq ceased its participation in ICRC-sponsored talks regarding the fate of the detainees. UNSCR 1284 later that year called on Iraq to resume its cooperation with the ICRC and the Tripartite Commission on Gulf War POWs and Missing Persons (TPC). The U.N. Secretary General's special representative, Yuli Vorontsov, has repeatedly reported to the U.N. Security Council Iraq's continued refusal to cooperate with the U.N. regarding these cases. However, in December, the TPC held its first official meeting since 1998, with Iraq participating by long distance.

In connection with the case of a government official who was detained in Iraq on March 15th for inadvertently crossing the border, there were reports that indicated that there were Iraqi citizens being detained for entering the country by mistake as well.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture; however, there continued to be credible reports that some police and members of the security forces abused detainees during interrogation. Reported mistreatment included blindfolding, verbal threats, and physical abuse. Police and security forces were more likely to inflict such abuse on noncitizens, particularly non-Gulf Arabs and Asians, than on citizens.

In February a police officer was sentenced to death for the March 2001 murder of a news editor. The police officer believed that the editor had insulted the officer's tribe in articles written and published by the editor.

The Government stated that it investigates all allegations of abuse and that it has punished at least some of the offenders. However, the Government did not make public either the findings of its investigations or what, if any, punishments were imposed. This practice created a climate of impunity, which diminished deterrence against abuse.

Defendants have the right to present evidence in court that they have been mistreated during interrogation. However, the courts frequently dismissed abuse complaints because defendants were unable to provide physical evidence of abuse. Members of the security forces routinely did not reveal their identity during interrogation, a practice that further complicated confirmation of abuse.

In February security personnel allegedly abused a youth, Yousef Al-Anzi, while in police custody. Al-Anzi's family submitted a

medical report to document the boy's claims. A case file was assigned to the courts and was pending judicial review at year's end. The security counsel reportedly asserted pressure on the family to withdraw the claim. Also in February, security personnel assaulted an attorney from the Criminal Security Department when he was visiting a client. He submitted a medical report detailing his injuries and filed a police complaint against the officers involved. In March, a 32-year old Egyptian man alleged that Jleeb al-Shuyoukh security personnel tortured him. On March 12th, the Kuwait Lawyers Association issued a statement condemning recent abuse of prisoners by Ministry of Interior officials.

Prison conditions, including conditions for those held for security offenses, met or exceeded international standards in terms of food, access to basic health care, scheduled family visits, cleanliness, and opportunities for work and exercise. Overcrowding in the prisons continued to be a problem; however, the Government neared completion of two new prison buildings, and finalized plans for three additional buildings. A team of three medical specialists attended the prisons weekly, a psychiatrist was on call 24 hours, and specialized health care was available from local hospitals. Approximately 1,815 men and 108 women were serving sentences or awaiting trial in prison; detainees were counted separately.

Unlike in the past, there were no reports of mistreatment of prisoners at the Talha or Central Prisons, at the Shuwaikh deportation facility, or elsewhere. An estimated 250 deportees were being held at the deportation facility in Shuwaikh; some of these deportees have been kept there for up to 6 months waiting for their proper identity papers or for their country of nationality to accept them (see Section 1.d.).

In July it was reported that hundreds of prisoners at the Central Prison were infected by tuberculosis. A family of 15 tested positive for tuberculosis after visiting the Central Prison.

Drug-related offenders made up 70 percent of the Central Prison inmate population. In addition to nearing completion on the first two of five new prison buildings, the Director of Prisons also increased prison staffing, expanded the drug rehabilitation program for inmates, and increased the number of education programs available within the prisons, bringing in volunteers to teach academic and vocational classes.

In September, the Central Prison Rehabilitation Center opened. The Center offered psychological counseling and educational courses to inmates suffering from drug and alcohol addiction.

The National Assembly's Human Rights Committee closely monitored prison conditions throughout the year, and the Government allowed the International Commission of the Red Cross (ICRC) access to all prisons and detention facilities.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for freedom from arbitrary arrest and detention, and the Government generally observed these prohibitions. In general, police officers must obtain an arrest warrant from state prosecutors or a judge before making an arrest (see Section 1.f.), although in misdemeanor cases the arresting officer may issue them. Security forces occasionally detained persons at checkpoints in Kuwait City (see Section 2.d.).

Under the Penal Code, those suspected of serious crimes may be held for up to 4 days without charge, during which time security officers may prevent lawyers and family members from visiting them. In such cases, lawyers are permitted to attend legal proceedings, but are not to have direct contact with their clients. If charges are filed, prosecutors may remand a suspect to detention for an additional 21 days. Prosecutors also may obtain court orders for further detention pending trial.

Of the 2,386 persons serving sentences or being detained pending trial, 63 were being held on security grounds. Of the members of a suspected indigenous terrorist cell who were arrested on security grounds in November 2000, there is no information available on how many were acquitted of charges and released during the year. The leader of the group received a 7-year sentence in December 2000; the other three members were scheduled to face charges of conspiracy to commit murder and illegal possession of weapons.

The Government may expel noncitizens, including bidoon, if it considers them security risks. The Government also may expel foreigners if they are unable to obtain or renew work or residency permits. There were approximately 13 bidoon and 758 foreigners held in detention facilities, some of them pending deportation. Some detainees have been held for up to 6 months. Many deportation orders were issued administratively, without the benefit of a trial. However, the Government did not return deportees to their countries of origin forcibly, allowing those who object to remain in detention (see Section 2.d.). This practice leads to prolonged detention of deportees, particularly Iraqis, who do not wish to return to their own countries. The practice also was a factor in the complex problem faced by stateless bidoon deportees, who essentially remained in detention because their stateless condition made the execution of the deportation order impossible (see Sections 2.d. and 5).

The Talha Deportation Center, which had been criticized in previous years by human rights groups, formally was reconstituted as a minimum-security prison in March 2000. There were no allegations of the forced, prolonged detention of deportees in the facility during the year (see Section 1.c.).

The Constitution prohibits deportation or forced exile of citizens, and there were no reports of these practices. The Penal Code

provides that noncitizens convicted of felonies must be deported after finishing their jail terms. However, in certain circumstances, citizens may have their citizenship revoked, including citizens sentenced for a felony during the first 10 years of attaining citizenship, citizens discharged from a public job for acts against integrity during the first 10 years of attaining citizenship, and citizens who take up residence in a foreign country and join an authority that is designed to undermine the country.

e. Denial of Fair Public Trial

The Constitution provides for the right to a fair trial and states that "judges shall not be subject to any authority;" however, the Amir appoints all judges, and the renewal of judicial appointments is subject to government approval. Judges who are citizens have lifetime appointments; however, the majority of judges were noncitizens. Noncitizen judges hold 1 - to 3-year renewable contracts, which undermined their independence. The Ministry of Justice may remove judges for cause, but rarely does so. Foreign residents involved in legal disputes with citizens frequently claimed that the courts show a bias in favor of citizens.

The secular court system tries both civil and criminal cases. The Court of Cassation is the highest level of judicial appeal. Sunni and Shi'a Muslims have recourse to courts of their respective branches for family law cases. The Government established in 2000 a Shi'a appellate court that operated throughout the year. In the secular courts no groups were barred from testifying. Most courts considered men and women's testimonies equally; however, in the family courts the testimony of one man is equal to the testimony of two women.

Defendants have the right to confront their accusers and appeal verdicts. The Amir has the constitutional power to pardon or commute all sentences. Defendants in felony cases are required by law to be represented in court by legal counsel, which the courts provide in criminal cases. In misdemeanor cases, defendants have the right to waive the presence of legal counsel, and the court is not required to provide counsel to indigent defendants. However, the Kuwaiti Bar Association is obligated upon court request to appoint an attorney pro bono for indigent defendants in civil, commercial, and criminal cases. While virtually all indigent criminal defendants asked for and received pro bono counsel, in practice very few indigent civil and commercial plaintiffs requested this service.

Both defendants and prosecutors may appeal court verdicts to the High Court of Appeal, which may rule on whether the law was applied properly as well as on the guilt or innocence of the defendant. Decisions of the High Court of Appeal may be presented to the Court of Cassation, which conducts a limited, formal review of cases to determine only whether the law was applied properly.

In March 2001 the Court of Cassation commuted a 1993 military court's death sentence to a life sentence for Alaa Hussein, head of the Iraqi-installed "provisional" government during the occupation. The Chief Justice determined that Hussein expressed guilt and remorse for his actions by returning voluntarily to the country, and in May 2000 the Court commuted his sentence from death to life. The trial appeared to have been conducted in a fair and open manner.

The Government continued to incarcerate 31 citizens, bidoon, Palestinians, and Syrians convicted of collaboration with Iraq during the 1990-1991 occupation. Under the law, such collaboration is considered a felony. Most of the persons convicted in the Martial Law Court in 1991, and the Special State Security Court, which was abolished in 1995, did not receive fair trials. Amnesty International (AI) faulted the trials in general, and particularly noted the absence of any right of appeal of the verdicts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for individual privacy and sanctity of the home. The Government generally respected these rights in practice; however, the law, which generally requires police to obtain a warrant to search both public and private property, provides for a warrantless search if alcohol or narcotics are suspected on the premises or if police are in hot pursuit of a suspect fleeing the scene of a crime. A warrant may be obtained from the State Prosecutor or, in the case of searches of private property, from a judge (see Section 1.d.). The security forces occasionally monitored the activities of persons and their communications.

The law forbids marriage between Muslim women and non-Muslim men and requires male citizens to obtain government approval to marry foreign female citizens. Although the Government may advise men against marriage to a foreign national, there were no known cases of the Government refusing permission for such marriages. The Government advises women against marrying foreign nationals (see Section 2.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of the press, printing, and publishing "in accordance with the conditions and manner specified by law," and, with some exceptions, citizens are free to criticize the Government at public meetings and in the media; however, several laws empower the Government to impose restrictions on freedom of speech and the press, and journalists practiced self-censorship. During the year no court cases were initiated under the restrictive laws. The Government, through the Ministry of Information, practiced informal censorship by pressuring individual publishers and editors believed to have "crossed

the line" in attacking government policies and discussing subjects deemed offensive to Islam, tradition, or the interests of the State.

Newspapers were privately owned and free to report on many social, economic, and political issues and frequently criticized government policies and officials, including the Crown Prince/Prime Minister. Press accounts at the beginning of the year, which questioned and criticized the Government, led to National Assembly members calling for formal question sessions of several cabinet members. Such actions may lead to votes of no confidence against Ministers, as well as their removal from office.

The Government ended prepublication censorship in 1992, but journalists still censored themselves. The Press Law prohibits the publication of any direct criticism of the Amir, official government communications with other states, and material that served to "attack religions" or "incite people to commit crimes, create hatred, or spreads dissension among the populace." Direct criticism by the press of the Cabinet's foreign and security policy occurred during the year as in other years.

In order to begin publication of a newspaper, the publisher must obtain an operating license from the Ministry of Information. Publishers may lose their license if their publications do not appear for 6 months. This 6-month rule prevents publishers from publishing sporadically. It is not used to suspend or shut down existing newspapers. Individuals also must obtain permission from the Ministry of Information before publishing any printed material, including brochures and wall posters. There were no reported cases of the Ministry of Information denying permission to publish printed material during the year.

In January police confiscated film belonging to a press photographer who was covering a public disturbance. Police officials did not provide any explanations regarding the action taken towards the press photographer.

As of the end of 2001, two journalists Fawwaz Muhammad al-Awadi Bessisso and Ibtisam Berto Sulaiman al-Dakhil, were jailed in the country. Both had been imprisoned in June 1991 and later sentenced to life in prison because of their work with a newspaper that was published under Iraqi occupation. Both of these journalists remained in prison despite the release by royal decree of other journalists who had worked for the same newspaper. Since the Government agreed to release the two journalists if a third country would accept them, the ICRC was processing paperwork to have the two reporters deported to Ireland.

The Government did not censor foreign journalists and permitted them open access to the country.

The Government did not threaten to shut down any newspapers during the year. In 2000 the Government attempted to close two newspapers, charging them with publishing false information. After significant public criticism, particularly by the National Assembly, the Cabinet decided not to shut down the papers. The criticism led to the offer of resignation by the Cabinet in March 2000, which was not accepted at that time, and to proposals by National Assembly members to amend the constitutional article that permits government suspension of publications without review by the Assembly or the courts; however, no action was taken to amend the article.

The law requires jail terms for journalists who ridicule religion (see Section 2.c.). For 3 consecutive years, there have been no prosecutions of print or broadcast journalists for ridiculing religion. There were no prosecutions of persons or publishers related to book publications during the year. Under the law, any citizen may initiate a court case against an author if the citizen deems that the author has defamed Islam, the ruling family, or public morals. Often these court cases are brought for political reasons. In September 2001, a private citizen filed criminal charges against a university professor for speaking and writing about lesbianism and homosexuality; the case remained in adjournment at year's end.

The Government owned and controlled the local radio and television companies. Satellite dishes were widely available, and operated without restriction. The Ministry of Information censored all books, films, videotapes, periodicals, and other imported publications deemed morally offensive. The Ministry censored media for political content as well and did not grant licenses to magazines with a political focus. The General Organization of Printing and Publishing controlled the publication and distribution of all informational materials.

The Internet was technically accessible; however, serious consequences resulted from some forms of Internet use, and the ability of many café owners to provide the service was reportedly under threat. There reportedly are 165,000 regular Internet users, representing 8.5 percent of the total population. The Ministry of Communications issued new directives to Internet service providers to block "immoral" sites and some political sites. Internet providers responded by installing filtering technology. Each Internet service provider determined what sites to block, within the framework of censorship norms. Under pressure from Islamic members of the National Assembly, the Ministry of Communications in May conducted a raid on 19 Internet cafes on the basis that the Internet cafes were not installing filtering software to block 'immoral' sites as ordered in earlier directives. As a result of the raids, the Ministry of Communications issued new rules regulating Internet usage. The new rules require café owners to obtain the names and civil ID numbers of customers and to submit that information to the Ministry as requested. The law also establishes a \$162,500 (50,000 dinars) bond. Press reports indicate that 90 percent of the Internet cafes would not be able to comply with the new law and would be forced to close their doors.

The Constitution provides for freedom of opinion and of research, and states that every person shall have the right to express and propagate his opinion verbally, in writing or otherwise. There is no formal government censorship of university teaching, research, or publication. However, academic freedom is limited by self-censorship and academics were subject to the same

restraints as the media with regard to criticism of the Amir or Islam.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to assembly; however, the Government restricts this right in practice. Public gatherings must receive prior government approval, as must private gatherings of more than five persons that result in the issuance of a public statement. Informal weekly, social and political gatherings of men, known as "diwanias," are protected by the Constitution. Most adult male citizens, including the Amir, members of the Government, and members of the National Assembly hosted or attended diwanias, where topics of current interest were discussed. The diwaniya system contributed to the development of political consensus and official decision making. Women were not precluded from holding diwanias; however, such diwanias were uncommon. By tradition women were barred from male diwanias.

The Constitution provides for the right of association; however, the Government restricted this right in practice. The Government banned political parties; however, several unofficial blocs, acting much like parties, existed and were active in the National Assembly. Candidates were allowed to run for elections only as individuals, not under the banner of any entity (see Section 3).

All nongovernmental organizations (NGOs) must obtain a license from the Ministry of Social Affairs and Labor in order to be recognized officially. The Government uses its power to license as a means of political control and has tightened control since October 2001. There are 74 NGOs waiting licensing by the Ministry. The Ministry has licensed 51 NGOs, including professional groups, a bar association, and scientific bodies; however, since 1985, it has issued only 5 new licenses. Licensed NGOs received government subsidies for their operating expenses, including travel and per diem expenses for participating in international conferences. The Ministry has disapproved other license requests on the grounds that previously established NGOs already provide services similar to those proposed by the petitioners (see Sections 2.d. and 4). Members of licensed NGOs must obtain permission from the Ministry before attending international conferences (see Sections 2.d. and 4). There were no cases of the Government denying or barring representatives of licensed NGOs from attending international conferences.

There are hundreds of unlicensed civic groups, clubs, and unofficial NGOs in the country. They did not receive government subsidies. In 1999, in accordance with a 1993 decree that ordered unregistered NGOs to cease activities, the Government announced a crackdown on unlicensed branches of NGOs, whose activities it previously had overlooked, including unlicensed branches of Islamic charities, and required that they cease operations by mid-September 1999. No further action was taken pursuant to the announced crackdown (see Sections 2.c. and 4). However, in August 2001, the Government undertook efforts to prevent unlicensed charity collections by persons fraudulently misrepresenting themselves as part of charity groups. The Government subsequently intensified its supervision of all charity groups as part of its effort to prevent any diversion of funds to terrorists. In October 2001, the Government announced that all unlicensed branches of charities would be closed by the end of the year. In August, the Acting Minister of Social Affairs and Labor issued a ministerial decree to create a charitable organizations department within the Ministry of Social Affairs and Labor. The new department will regulate domestic charities based in the country by reviewing their applications for registration, monitoring their operations, and establishing a new accounting system to comply with regulations governing charitable operations (see Section 2.c.).

c. Freedom of Religion

The Constitution provides for freedom of religion; however, the Government places some limits on this right. The Constitution also provides that the State protect the freedom to practice religion in accordance with established customs, "provided that it does not conflict with public policy or morals." Islam is the state religion. The Constitution states that Shari'a (Islamic law) is "a main source of legislation."

The procedure for registration and licensing of religious groups was unclear. The Ministry of Awqaf and Islamic Affairs has official responsibility for overseeing religious groups. Officially recognized churches must deal with a variety of government entities, including the Ministry of Social Affairs and Labor (for visas and residence permits for pastors and other staff) and the Municipality (for building permits). While there reportedly is no official government "list" of recognized churches, seven Christian churches have at least some type of official recognition that enables them to operate openly. These seven churches have open "files" at the Ministry of Social Affairs and Labor, allowing them to bring in the pastors and staff necessary to run their churches. Further, by tradition three of the country's churches are recognized widely as enjoying full recognition by the Government and are allowed to operate compounds officially designated as churches: the Catholic Church (which includes two separate churches, the Latin Catholic and the Maronite), the Anglican Church, and the National Evangelical Protestant Church of Kuwait. The other four churches reportedly were allowed to operate openly, hire employees, invite religious speakers, and conduct other such activities, all without interference from the Government; however, according to government records, their compounds were registered only as private homes.

The procedures for the registration and licensing of religious groups also appeared to be connected with government restrictions on NGOs, religious or otherwise. In 1993 all unlicensed organizations were ordered by the Council of Ministers to cease their activities. This order never has been enforced; however, since that time all but five applications by NGOs have been frozen (see Section 4). There were reports that in the last few years at least two groups have applied for permission to build their own churches, but the Government has not yet responded to their requests. In October 2001, the Government announced that all unlicensed branches of charities would be closed by the end of the year. In August, the Acting Minister of Social Affairs and Labor issued a ministerial decree to create a charitable organizations department within the Ministry of Social Affairs and

Labor. The new department will regulate religious charities based in the country by reviewing their applications for registration, monitoring their operations and establishing a new accounting system to comply with regulations governing charitable operations (see Section 2.b.). At the end of the year, the Government announced that it would close any charities that had not obtained licenses.

The Government discriminated in some instances against the Shi'a minority. They have been disadvantaged in provision of mosques and in access to religious education. Shi'a were underrepresented in high government positions.

Shi'a were free to conduct their traditional forms of worship without government interference. However, there still were complaints regarding the scarcity of sufficient Shi'a mosques and the Government's slowness or failure to grant approval for the construction of new Shi'a mosques as well as the repair of existing mosques. There were approximately 36 Shi'a mosques serving the Shi'a population in the country, compared to 550 Sunni mosques. In 2001 the Government began to address such concerns by licensing the construction of three new mosques; two of these approved mosques were under construction at year's end.

In addition the Government took steps toward greater equality for Shi'a by instituting a separate appellate court to try Shi'a family law cases and by agreeing to establish an independent Shi'a charity authority comparable to the Sunni Awqaf and nongovernmental entities.

Shi'a leaders also have complained that Shi'a who aspire to serve as imams are forced to seek appropriate training and education abroad due to the lack of Shi'a jurisprudence courses at Kuwait University's College of Islamic Law, which only offers Sunni jurisprudence. Shi'a reportedly no longer expressed concern that proposed legislation concerning Zakat and the Islamic Penal Code failed to take into account Shi'a specific beliefs; if the laws are passed without Shi'a input, Shi'a may be excluded from enforcement measures.

Members of religions not sanctioned in the Koran, such as Sikhs, Hindus and Buddhists, may not build places of worship, but are allowed to worship privately in their homes without interference from the Government.

While some discrimination based on religion reportedly occurred on a personal level, most observers agreed that it was not widespread. There was a perception among some domestic employees and other members of the unskilled labor force, particularly nationals of Southeast Asian countries, that they would receive better treatment from employers as well as society as a whole if they converted to Islam. However, others did not see conversion to Islam as a factor in this regard.

The Catholic, Anglican, National Evangelical, Greek Orthodox, Armenian Orthodox, and Coptic Orthodox Churches were able to operate freely on their compounds, holding worship services without government interference. The leaders of these churches stated that the Government generally was supportive of the churches' presence, even providing police security and traffic direction as needed. Other Christian denominations (including Mormons, Seventh Day Adventists, Marthoma, and Indian Orthodox), while not recognized legally, were allowed to operate in private homes or in the facilities of recognized churches without government interference, provided that they did not disturb their neighbors and did not violate laws regarding assembly and proselytizing.

The Government prohibited proselytizing Muslims; however, Christian churches may serve non-Muslim congregations. The law prohibited organized religious education other than Islam; however, this law was not enforced rigidly and such education took place. Although informal religious instruction occurred inside private homes and on church compounds without government interference, there were reports that government "inspectors" periodically visited public and private schools outside church compounds to ensure that no religious teaching other than Islam was taking place.

The Government did not permit the establishment of non-Islamic publishing companies or training institutions for clergy. Nevertheless, several churches published religious materials for use solely by their congregations. Further, some churches, in the privacy of their compounds, provided informal instruction to persons interested in joining the clergy.

A private company, the Book House Company Ltd., was permitted to import significant amounts of Bibles and other Christian religious material—including videotapes and compact discs—for use solely among the congregations of the country's recognized churches. The Book House Company was the only bookstore that had an import license to bring in such materials, which also required approval by government censors. There were reports of private citizens having non-Islamic religious materials confiscated by customs officials upon arrival at the airport.

Although there is a small community of Christian citizens, a law passed in 1980 prohibits the naturalization of non-Muslims. However, citizens who were Christians before 1980 (and children born to families of such citizens since that date), were allowed to transmit their citizenship to their children.

According to the law, a non-Muslim man must convert to Islam when he marries a Muslim woman if the marriage is to be legal in the country. The law forbids marriage between Muslim women and non-Muslim men (see Section 1.f.). A non-Muslim woman does not have to convert to Islam to marry a Muslim man, but it is to her advantage to do so. Failure to convert may mean that, should the couple later divorce, the Muslim father would be granted custody of children, even those who most likely would have been left in the mother's custody if she were Muslim.

The law requires jail terms for journalists who ridicule religion (see Section 2.a.). However, unlike in previous years, there were no cases during the year of writers being threatened or charged with publishing opinions unmindful of Islamic norms. The Papal Nuncio resided in Kuwait City and also represented Vatican interests in the other Gulf States and Yemen. The Church viewed the Government's establishing relations with the Vatican as significant in terms of government tolerance of Christianity.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution does not provide for the rights of freedom of movement, freedom of travel, and freedom to immigrate. The Government placed some limits on freedom of movement. Citizens have the right to travel freely within the country and to change their workplace as desired. Unmarried women 21 years of age and older were free to obtain a passport and travel abroad at any time; however, married women who apply for passports must obtain their husbands' signatures on the application form. Once she has a passport, a married woman does not need her husband's permission to travel, but he may prevent her departure from the country by contacting the immigration authorities and placing a 24-hour travel ban on her. After this 24-hour period, a court order is required if the husband still wishes to prevent his wife from leaving the country. All minor children must have their father's permission to travel outside of the country. Citizens were free to emigrate and to return. Security forces in Kuwait City occasionally set up checkpoints at which they may detain individuals (see Section 1.d.). The checkpoints were mainly for immigration purposes and were used to apprehend undocumented aliens. In July the Ministry of the Interior allowed expatriates a 45-day grace period to legalize their residency status or to depart the country without facing possible legal action.

The law permits the Government to place a travel ban on any citizen or foreigner who has a legal case pending before the courts. Members of licensed NGOs must obtain government approval to attend international conferences as official representatives of the NGO (see Sections 2.b. and 4). The Government severely restricted the ability of its bidoon population to travel abroad (see Sections 2.d. and 5). In January a bidoon was arrested at a border post and charged with attempting to leave the country illegally.

The Government has abandoned its previous policy of limiting the presence of workers from nations whose leaders had supported Iraq in the Gulf War. In August 2001, the Interior Minister announced that there were no longer any special restrictions or permits required for Palestinian workers wishing to return to the country. At year's end, there were approximately 30,000 to 40,000 Palestinians, 30,000 to 40,000 Jordanians, and 4,000 Yemenis resident in the country.

While the Government permitted the ICRC to verify if deportees objected to returning to their countries of origin, it detained those with objections until they either changed their minds or made alternative arrangements to travel to another country (see Section 1.d.).

There was no legislation governing refugees, asylees, or first asylum, and no clear standard procedure for processing a person's claim to be a refugee. The Constitution prohibits the extradition of political refugees. The Government stated that it did not deport anyone who claimed a fear of persecution in their home country, but it often kept such persons in detention rather than grant them permission to live and work in the country (see Section 1.d.). There were no reports of the forced return of persons to a country where they feared persecution. The U.N. High Commissioner for Refugees (UNHCR) maintained an office in the country and had access to refugees in detention.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. Under the Constitution, the National Assembly has a limited role in approving the Amir's choice of Crown Prince (the future Amir). If the Assembly rejects the Amir's nominee, the Amir then submits three names from which the Assembly must choose the new Crown Prince. There is no universal suffrage; only about 14.8 percent of citizens have the right to vote. Women, and citizens naturalized for less than 20 years, may not vote or seek election to the National Assembly. Members of the armed forces, police, and other uniformed personnel of the Ministry of Interior are prohibited from voting or seeking election to the National Assembly.

Under the Constitution, the Amir holds executive power and shares legislative power with the National Assembly. The Prime Minister is appointed by the Amir and presides over a 16-member cabinet, which he chooses in consultation with the Amir. In accordance with the practice of the ruling family (but not specifically the Constitution), the Prime Minister always has been the Crown Prince. The Constitution empowers the Amir to suspend its provisions and to rule by decree. The Amir suspended constitutional provisions and dissolved the National Assembly from 1976-81, and in 1986 the Amir effectively dissolved the Assembly by suspending the constitutional provisions on the Assembly's election. The Assembly remained dissolved until 1992, when elections were held. Since 1992 the constitutional provisions with respect to the Assembly have been observed. The Constitution provides that cabinet members sit in the National Assembly and may vote on legislation. At least one member of the Cabinet must be an elected member of the National Assembly.

There were 50 elected National Assembly members. Members served 4-year terms, and National Assembly elections have been held on schedule since 1992. The Government banned political parties; however, several well-organized and unofficial blocs, acting much as political parties, existed and were active in the National Assembly. The Government acknowledged and,

at times, worked with these blocs, which were organized on the basis of common ideological goals. Most political blocs joined to form coalitions during the year. The coalitions issued platforms and expressed an intention to run together in the next elections. Several called for formal recognition as political parties, although the Government indicated that it was not prepared to acknowledge them as such. Because of the ban on political parties, Assembly candidates must nominate themselves.

The Constitution empowers the National Assembly to overturn any amiri decrees made during its dissolution, and the Assembly has done so in some cases. During its first session of 1999, the National Assembly rejected 35 of 60 amiri decrees issued during the dissolution of the Assembly, including the decree providing for women's political rights. The National Assembly did not amend any amiri proposals during the year.

In December 2000, a by-election was held to fill the seat of a deceased assembly member. The election campaign was considered generally free and fair. Press reports cited allegations of vote buying leveled at the candidate who won the election; however no official accusations were made.

In February 2001, the Cabinet resigned after a number of its members were scheduled for intense formal questioning by the National Assembly. At the request of the Amir, the Prime Minister formed a new government that included changes in key ministerial positions.

In October 2001, various assembly members proposed formal questioning of four ministers. In the most serious case, the Minister of Oil was accused of being an agent for a foreign petroleum company because his wife was allegedly on the company's payroll. Liberal assembly members complained that Islamists were using the threat of formal questioning to change government policy on specific issues, such as regulation of Islamic charities and gender segregation.

Women did not have the right to vote and had little opportunity to influence government. A May 1999 amiri decree gave women the right to vote, to seek election to the National Assembly beginning with the National Assembly election scheduled for 2003, and to hold cabinet office. However, in November 1999, the Parliament vetoed the May decree, based in part on the Amir having bypassed the Assembly by introducing the change while the Assembly was not in session and in part on traditionalist resistance to women's suffrage. Shortly thereafter members of the Assembly introduced identical legislation, but it also was defeated. No new legislation has been introduced by either the Government or by assembly members. In June 2001, a poll of university students showed that 84 percent of female students and 65 percent of male students favored women's suffrage. Women did hold some relatively senior nonpolitical positions within some ministries.

There was one Shi'a member of the Cabinet, the Minister of Commerce. Of 50 National Assembly members, 6 were Shi'a, as was the armed forces Chief of Staff.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government continued its practice of preventing the establishment of new local human rights groups by not approving their requests for licenses (see Section 2.b.). Since 1985 the Government has issued only five licenses. The only local human rights NGO in operation was the Kuwait Human Rights Society. The Government refused other license requests on the grounds that previously established NGOs already provided services similar to those proposed by the petitioners. Members of licensed NGOs must obtain permission from the Government to attend international conferences as official representatives of the NGO; however, there were no cases of NGOs being restricted from attending any conference during the year (see Sections 2.b. and 2.d.). NGOs cannot receive foreign funding without government authorization.

The Government has not shut down any unlicensed NGOs since early 2000. In August 2001, the Government began prohibiting public collection boxes for unlicensed Islamic charities to prevent potential misuse of funds (see Sections 2.b. and 2.c.).

The Government permitted international human rights organizations to visit the country and to establish offices. Several organizations conducted fieldwork and reported excellent communication with and reasonable cooperation from the Government. For example, AI and Human Rights Watch regularly exchanged information with the Government either directly or through the Arab Human Rights Organization.

The Government has cooperated fully in the work of the U.N. Special Rapporteurs for Iran and Iraq and the high-level representative of the Secretary General on the issue of its citizens missing in Iraq since the end of the Gulf War. In 2000 the Government submitted its first periodic report on the implementation of the International Covenant on Civil and Political Rights.

The Government cooperated closely with the International Labor Organization (ILO), which sent two senior officials in November 2001 to advise them on how to improve the labor situation within the country. At the ILO's urging, the Government agreed to ratify the remaining two of eight conventions from the ILO's Declaration of Basic Rights at Work. The Ministry of Social Affairs and Labor approved the provisions, which were being reviewed by the Legal Advice and Legislation Department at year's end.

The National Assembly has an active Human Rights Committee, which took testimony from individuals regarding abuses,

investigated conditions in prisons and nursing homes, and made nonbinding recommendations for redress. Despite its designation as an advisory body, the Human Rights Committee has shown that, in practice, it is able to mobilize government agencies to address significant human rights problems. In July 2001, the committee announced that it would publish an annual report on human rights in the country; however the report had not been published at year's end.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, national origin, language, or religion. However, many laws and regulations discriminated against women and noncitizens, who faced widespread social, economic, and legal discrimination.

Women

Violence against women was a problem. Each of the country's 50 police stations reportedly received on average 1 to 2 complaints of spousal abuse each week, although this may be understated. Of the complaints received, approximately 60 percent involved spousal abuse of noncitizen women. The police and the courts generally sought to resolve family disputes informally. The police referred serious cases to the Ministry of Health. The courts have found husbands guilty of spousal abuse.

Rape and sexual assault remained serious problems, particularly for foreign domestic servants or unskilled workers. The police occasionally arrested rapists who held their victims for a period of days, raping them repeatedly. The law provides that citizens found guilty of crimes that violate moral integrity, such as rape or incest, are forbidden from holding public jobs. In January, the court upheld a 15-year prison sentence handed down to a police officer who kidnaped and raped a woman. In June, three Bangladeshi men convicted of the 1996 rape and murder of a Sri Lankan housemaid were hanged. There were 10 reported incidents of gang rape during the year.

Some employers physically abused foreign women working as domestic servants, and, despite economic and social difficulties for a domestic servant who lodged a complaint, there were continuing reports of the rape of such women by male employers and male coworkers. The local press devoted considerable attention to the problem, and both the police and the courts have taken action against employers when presented with evidence of serious abuse. Some rapes resulted in unwanted pregnancies. There were reports of domestic servants killing children that were fathered by employers. Occasionally, domestic workers were charged with assaulting their employers; in such cases, the workers claimed that they acted in response to physical abuse or poor working conditions. There were also dozens of reports of domestic workers committing or attempting to commit suicide because of desperation over poor working conditions. In general these involved hanging or jumping from windows.

Foreign-born domestic employees have the right to sue their employers for abuse, but few do so, fearing judicial bias and deportation. A specialized police facility investigated some complaints and provided some shelter for runaway maids (see Sections 6.c. and 6.e.).

There were a number of pending cases in which foreign-born domestic employees were tortured, severely beaten, or died at the hands of their employers. In April, an Indian maid was beaten severely and tortured over a period of several months by her sponsor's family members, including the children of the sponsor. The maid suffered severe head trauma that included nearly having her ear amputated at the hands of the sponsor's family. The wife of the sponsor was arrested and was awaiting trial at year's end. The maid has since returned to her home in India. The case prompted considerable public concern.

In April, a citizen woman was sentenced to 7 years in jail for beating her Indonesian maid to death with a vacuum cleaner. Three of her children were acquitted. There were no new developments in the kidnap, rape, torture, and beating of a group of four domestic workers allegedly by state security employees in June 2000.

Runaway servants, including many women alleging physical or sexual abuse, often seek shelter at their country's embassy for repatriation or a change in employers (see Sections 6.c. and 6.e.). At any given time, nearly 1,000 women were reported to be in embassy shelters.

Unemployed, runaway foreign domestic workers were susceptible to recruitment into prostitution. The police actively enforced laws against pandering and prostitution, with arrests reported almost every week. Prostitutes generally were deported to their countries of origin. In recent years, procurers received stiff jail terms. There were at least three reports during the year of procurers kidnaping maids off the street and forcing them into prostitution.

"Honor" crimes are not considered acceptable and there is no provision in the Criminal Code that allows for leniency in such cases. In May, three men and one woman were arrested for taking part in an 'honor killing' that resulted in the death of a 6-year old female citizen. The killing was allegedly planned to avenge the honor of the arrested woman's family after it was discovered that the woman had a sexual relationship with the victim's brother. The case was under appeal at year's end.

There have also been reports of women, mainly from Asia who have been trafficked and brought into the country to work as prostitutes. Many had initially been brought to the country as domestic servants (see Section 6.f.).

Women continued to experience legal and social discrimination. Women are denied the right to vote (see Section 3). Their testimony is worth half that of a man's in proceedings before the family courts (see Section 1.e.). Married women require their husbands' permission to obtain a passport (see Section 2.d.). By law only men are able to confer citizenship; therefore, children born to citizen mothers and stateless fathers are themselves stateless. The Government forbids marriage between Muslim women and non-Muslim men (see Sections 1.f. and 2.c.). Inheritance is governed by Islamic law, which differs according to the branch of Islam. In the absence of a direct male heir, Shi'a women may inherit all property, while Sunni women inherit only a portion, with the balance divided among brothers, uncles, and male cousins of the deceased.

In January, the Undersecretary of the Ministry of Education stated that the election law was the main hurdle to women's political rights. In February the Court of First Instance postponed a decision on the case of two women seeking the right to vote. On February 18, women participated in a march to be included in the electoral rolls. In March, the Interior and Defense Committee of the National Assembly rejected the women's suffrage bill on the basis that the Legislative and Legal Committee already had rejected it. In April the court postponed the case of a woman suing to register her name on the electoral roll.

Women traditionally are restrained from choosing certain roles in society, and the law restricted women from working in "dangerous industries" and trades "harmful" to health. However, almost all citizens worked for the state in office jobs. Educated women maintained that the conservative nature of society limited career opportunities. An estimated 33 percent of citizen women of working age were employed. The law provided for "remuneration equal to that of a man provided she does the same work." This provision was respected in practice. A few women have been appointed to senior positions in the Ministry of Education, the Ministry of Planning, and the state-owned Kuwaiti Petroleum Corporation. There was one female ambassador and two female undersecretaries; however, there were no female judges or prosecutors.

There is no specific law that addressed "sexual harassment;" however, it was not reported to be a problem other than for domestic servants.

In cases of divorce, the Government makes family entitlement payments to the divorced husband, who is expected by law and custom to provide for his children even though custody of minor children usually was given to the mother. The law discriminated against women married to foreign men. Such women are not entitled to government housing subsidies, which are available to male citizens. The law also requires women to pay residence fees for their husbands and does not recognize marriage as the basis for granting residency to foreign-born husbands. Instead the law grants residency only if the husband is employed. By contrast male citizens married to foreign-born women do not have to pay residency fees for their spouses, and their spouses' right to residency derives from marriage.

In response to pressure from the National Assembly to comply with a law passed in 1996, the university increased the number of classes segregated by gender. Although deans have the option to leave higher level classes mixed if it can be justified because of lack of professors or classroom space, the number of mixed classes dropped during the year, and all freshman and sophomore classes are segregated by gender.

Polygyny is legal; however, it was more common among tribal elements of the population.

There were several women's organizations that followed women's issues, among the most active of which were the Women's Cultural and Social Society (WCSS) and the Women's Affairs Committee.

Children

The Government is committed to the welfare of children. Citizen boys and girls received a free education, which extended through the university level, including advanced degrees. The Government provided free health care and a variety of other services to citizen children; noncitizen children must pay a small fee to be admitted into a health facility and additional fees for specialized care. Citizen parents also received a monthly government allowance for each child.

The marriage of girls under the age of 17 was uncommon among the urban population but remained a practice of the Bedouins in outlying areas. There were credible reports of underage South Asian and Southeast Asian girls working as domestic servants (see Sections 6.c. and 6.d.).

Young boys from Bangladesh, Sudan, Eritrea are brought into the country to be used as camel jockeys (see Sections 6.c., and 6.d.). Many of the jockeys came to the country from racing during the season in other Gulf nations.

There is no societal pattern of abuse of children; however, there were some cases of male youths, some as young as 6 years old, raped by men or gangs of other male youths. There were incidents of arrests in some cases, but no convictions were reported.

Persons with Disabilities

There was no institutionalized discrimination against persons with disabilities in employment, education, or in the provision of state services. Legislation passed by the National Assembly in 1996 mandated accessibility for persons with disabilities to all

public facilities, and provided an affirmative action employment program for persons with disabilities. However, this law has not been implemented fully. The law prohibits discrimination against persons with disabilities and imposes penalties against employers who refrained from hiring persons with disabilities without reasonable cause. The Government paid extensive stipends to citizens with disabilities, which covered transportation, housing, job training, and social welfare. There were no similar provisions for noncitizens.

National/Racial/Ethnic Minorities

The plight of the 74,000 bidoon remained a significant problem, and the Government continued to address the issue. The bidoon (a term meaning "without") are Arabs who have residency ties to the country—some going back for generations, some for briefer periods—but who have no documentation of their nationality. The bidoon have been the objects of harsh government policy since the mid-1980s. Since 1985 the Government has eliminated the bidoon from the census rolls, discontinued their access to government jobs and free education, and sought to deport many. In 1993 the Government decreed that bidoon males no longer would be allowed to serve in the military; however, in July 2001, the Minister of Defense suspended action to force bidoon to resign from the Army. The Government has denied bidoon official documents such as birth certificates, marriage certificates, civil identification, and drivers' licenses, which made it difficult for many unregistered bidoon, particularly young bidoon, to find employment. Bidoon paid more for medical care than citizens do, although less than residents of other countries. The Government did not issue travel documents to bidoon routinely, and if bidoon traveled abroad without documentation, they risked being barred from returning to the country unless they received advance permission from the immigration authorities. Marriages posed special hardships because the offspring of male bidoon inherited the father's undetermined legal status.

A law passed in June 2000 required bidoon to register by June 27, 2000 to begin the process under which they could be documented as citizens. The law provided that bidoon who were able to prove sufficient ties to the country (that is, their presence, or the presence of their forebears, in the country prior to 1965) were eligible to apply for citizenship directly. The Government currently has 122,216 bidoon cases on file. Of these, 30,824 officially have registered as bidoon and may be naturalized directly from bidoon status, if they are able to prove Kuwaiti nationality. However, the Government maintained that at least 40 to 50 percent of the bidoon were concealing their true identities. While the law allows up to 2,000 registered bidoon to be naturalized each year, the Government only granted citizenship to 1,647 during the year. However, an additional 5,500 bidoon in 3 categories—wives of citizens, sons of female citizens married to bidoon, and those whose male relatives are citizens—have been permitted to apply for citizenship beyond the 2,000 per year limit.

The Government has not stated clearly what will happen to bidoon unable to provide documentation proving sufficient ties. An Executive Committee in Charge of the Bidoon under the Ministry of Interior has been designated to resolve the issue. The Government had stated that those who did not register by the June 27, 2000 cut-off date and who did not rectify their status will be subject to deportation as illegal residents; however, no such action was taken during the year. There were no reports during the year that the Government decided the nationality of any bidoon without a hearing. As a result of what allegedly were fraudulent applications, the Government brought forgery charges against 108 bidoon applicants for naturalization since July 2001. The only forgery conviction was in 2001.

Since July 2000, when the new law went into effect, 5,312 bidoon have been documented as citizens of other countries. Most have admitted to Saudi or Syrian origin. Once documented, bidoon are able to obtain residency permits and other official papers. However, there also were credible reports of government authorities encouraging bidoon to purchase counterfeit passports in order to establish a claim to an alternate nationality.

In June, the Council of Ministers and the Amir discussed a draft law which would require bidoon to submit a passport with a valid permit when applying for Kuwaiti citizenship. The Council of Ministers and the Amir approved the draft law and referred it to the National Assembly for ratification. A final vote on the law had not yet taken place by year's end.

Section 6 Worker Rights

a. The Right of Association

Workers had the right to join unions. Nonetheless, the Government restricted the right of freedom of association by stipulating that there be only one union per occupational trade, and that unions may establish only one federation. The International Labor Organization (ILO) has long criticized such restrictions.

Approximately 60,000 persons, less than 5 percent of a total work force of 1.27 million, were organized into unions, of which 14 were affiliated with the Kuwait Trade Union Federation (KTUF), the sole legal trade union federation. The Bank Workers Union and the Kuwait Airways Workers Union were independent of the KTUF. The law stipulates that any new union must include at least 100 workers, 15 of whom must be citizens. Both the ILO and the International Confederation of Free Trade Unions (ICFTU) have criticized this requirement because it discourages unions in sectors that employ few citizens, such as the construction industry and the domestic servant sector. Only 5.6 percent of employed citizens worked in the private sector. Despite KTUF complaints about the need for an updated law, draft proposals for a new labor law have remained under consideration for more than 10 years.

A new draft Labor Law was submitted in November 2001 to the Council of Ministers. At year's end, the Council of Ministers

Legal Affairs Committee was examining it.

The Government's pervasive oversight powers further eroded union independence. The Government subsidizes as much as 90 percent of most union budgets and may inspect the financial records of any union. The ILO has criticized the legal prohibition on any union from engaging in political or religious activities, which are vaguely defined. The law empowers the courts to dissolve any union for violating labor laws or for threatening "public order and morals," although such a court decision may be appealed. The Amir also may dissolve a union by decree. By law the Ministry of Social Affairs and Labor is authorized to seize the assets of any dissolved union. The ILO has criticized this aspect of the law. Although no union has been dissolved, the law subordinates the legal existence of the unions to the power of the State.

According to government statistics published during the year, 1,021,481 foreigners were employed in the country. They constituted over 80 percent of the work force but less than 5 percent of the unionized work force. The Labor Law discriminated against foreign workers by denying them voting rights and by permitting them to join unions only after 5 years of residence, although the KTUF stated that this requirement was not enforced. The KTUF administered an Expatriate Labor Office, which was authorized to investigate complaints of foreign laborers and provide them with free legal advice. Any foreign worker covered under the Labor Law, which excluded domestic servants, could submit a grievance to the Labor Office regardless of union status. However, such services were not utilized widely.

In November 2001, two senior members of the ILO Secretariat advised the Government on how to improve its labor situation, including ratification of the remaining two of eight conventions from the ILO's Declaration of Basic Rights at Work. The Ministry of Social Affairs and Labor approved the provisions, which were under review by the Legal Advice and Legislation Department at year's end. In addition to other areas of ongoing concern, ILO officials also pointed to problem areas where the Government could make improvements, including low wages and widespread abuse of domestic servants, and the lack of a minimum wage for workers, who must pay health, education, and other fees to the Government. The ILO officials commended the Government for progress in increased freedoms for existing trade unions and improved rights for workers, such as sick leave and end-of-service benefits.

The Labor Law prohibits antiunion discrimination. Any worker who alleges antiunion discrimination has the right to appeal to the judiciary. There were no reports of discrimination against employees based on their affiliation with a union. Employers found guilty of antiunion discrimination must reinstate workers fired for union activities.

Unions may affiliate with international bodies. The KTUF belonged to the International Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

Workers have the right to organize and bargain collectively, subject to certain restrictions (see Section 6.a.). These rights have been incorporated in the Labor Law and, according to all reports, have been respected in practice.

The Labor Law provides for direct negotiations between employers and "laborers or their representatives" in the private sector. Most disagreements were resolved in such negotiations; if not, either party may petition the Ministry of Social Affairs and Labor for mediation. If mediation fails, the dispute is referred to a labor arbitration board, which is composed of officials from the High Court of Appeals, the Attorney General's office, and the Ministry of Social Affairs and Labor.

The Civil Service Law makes no provision for collective bargaining between government workers and their employer. Technically, wages and conditions of employment for civil service workers are established by the Government, but in practice, the Government sets the benefit scales after conducting informal meetings with officials from the civil service unions. Union officials resolved most issues at the working level and had regular access to senior officials.

The law limits the right to strike. It requires that all labor disputes must be referred to compulsory arbitration if labor and management are unable to reach a solution. The law does not contain any provision ensuring strikers freedom from legal or administrative action taken against them by the State. However, the Ministry of Labor and Social Affairs has proved responsive to sit-ins or protests by workers who faced obvious wrongdoing by their employers.

There were no strikes during the year.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced labor "except in cases specified by law for national emergency and with just remuneration;" however, many unskilled foreign workers were treated like indentured servants (see Section 6.e.). The Constitution prohibits forced and bonded labor by children. However, there were reports of young boys being used as camel jockeys, as well as of underage girls working as domestic servants (see Sections 5 and 6.d.).

Foreign workers generally may not change their employment without permission from their original sponsors unless they have been in the country for more than 2 years. Domestic workers particularly were vulnerable to abuses stemming from restrictions on transferring sponsorship because the Labor Law does not protect them. In many cases employers exercised control over their servants by withholding their passports, although the Government prohibits this practice, and in some instances acted to retrieve the passports of maids involved in disputes.

Some foreign workers, especially unskilled or semiskilled South Asian workers, lived and worked much like indentured servants. They frequently faced poor working conditions and at times encountered physical abuse (see Sections 5 and 6.e.). Domestic servants who ran away from their employers could be treated as criminals under the law. However, the authorities usually did not enforce this provision. In some reported cases, employers illegally withheld wages from domestic servants to cover the costs involved in bringing them to the country.

There were credible reports of widespread visa trading, a system by which sponsors agreed to extend their sponsorship to workers outside of the country in exchange for a fee of \$1,500 to \$4,000 (451 to 1202 dinars). Middlemen, generally foreigners, used the promise of Kuwaiti sponsorship to attract workers from economically depressed countries, taking a commission and remitting the rest to the nominal sponsor. Once in the country, such workers were passed on to employers in the informal sector or found employment with parties that would otherwise be unable to sponsor them. Foreign workers who were recruited with these traded visas not only faced possible prosecution for being engaged in illegal employment (that is, working for an employer other than their sponsor), but also left themselves extremely vulnerable to extortion by employers, sponsors, and middlemen. Visa trading has resulted in growing numbers of unemployed foreign workers who buy visas to enter the country and then are unable to find work. Government efforts to crack down on visa trading, such as closing front companies for visa traders, have not made significant progress. There were laws aimed at curbing visa trading, with penalties against both employers and visa traders, but the laws seldom were enforced. Unlike in previous years, there were no cases of enforcement.

For over 10 years, the ILO has criticized a 1979 legislative decree that requires prior authorization for public meetings and gatherings, and provides for a penalty of imprisonment including an obligation to work in a vocation of the prisoner's choosing within the prison system. The ILO also was critical of a 1980 legislative decree respecting security, order, and discipline aboard ships, breaches of which also may be punished by imprisonment with an obligation to work.

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age is 18 years for all forms of work, both full- and part-time. Employers may obtain permits from the Ministry of Social Affairs and Labor to employ juveniles between the ages of 14 and 18 in certain trades. Juveniles may work a maximum of 6 hours a day on the condition that they work no more than 4 consecutive hours followed by a 1-hour rest period.

Article 42 of the Constitution prohibits forced labor, including forced or bonded labor by children. In addition, the Labor Law prohibits child labor, forced or compulsory labor, and exploitation of workers. The Government has ratified 14 ILO conventions, including the conventions prohibiting servitude and forced labor, and its Labor Law enforced these conventions. Child labor was rare in the country; however, some South Asian and Southeast Asian domestic servants were under age 18 (see Sections 5 and 6.c.). Such underage workers reportedly falsified their ages in order to enter the country. There were reports of young boys being used as camel jockeys (see Sections 5 and 6.c.). Some small businessmen employed their children on a part-time basis.

e. Acceptable Conditions of Work

The Ministry of Social Affairs and Labor is responsible for enforcing all labor laws. An informal two-tiered labor market ensured high wages for citizen employees, most of whom were in government white collar or executive positions, while foreign workers, even those in skilled positions, received substantially lower wages. In June 2001, the visiting Bangladeshi Foreign Minister reported that Bangladeshi domestic workers earned as little as \$70 per month (21 dinars). There was no legal minimum wage in the private sector. In the public sector, the monthly minimum wage was approximately \$753 (227 dinars) for citizens and approximately \$300 (90 dinars) for noncitizens. However, noncitizens did not receive the same social benefits as citizens and must pay fees for education and health care, which were provided free for all citizens. Private sector wages ranged from \$10,000 (3,000 dinars) each month for top managers of large companies to between \$500 to \$2500 (150 to 750 dinars) for other skilled professionals and nonskilled workers. The public sector minimum wage provided a decent standard of living for a worker and family. Wages of unskilled workers in the private sector did not always provide a decent standard of living, with housemaids often making less than \$115 (35 dinars) per month. To be eligible to sponsor family members for residency, government and private sector workers must receive a minimum wage of \$1,500 (450 dinars) per month; this figure represented an 11 percent increase from 2001.

The Labor Law establishes general conditions of work for the private sector, with the oil industry treated separately. The Civil Service Law also prescribes additional conditions for the public sector, which consisted almost entirely of citizen workers. The Labor Law limits the standard work week to 48 hours with 1 full day of rest per week, provides for a minimum of 14 workdays of leave each year, and establishes a compensation schedule for industrial accidents. In July 2001, the Government initiated a new program of unemployment allowances for citizen graduates who are unable to find jobs in the public sector or with private companies, providing regular payments until such positions are found. Domestic servants, who specifically were excluded from the Labor Law, frequently worked long hours, greatly in excess of 48 hours.

The ILO has urged the Government to extend the weekly 24-consecutive-hour rest period to temporary workers employed for a

period of less than 6 months and workers in enterprises employing fewer than five persons. The law pertaining to the oil industry provides for a 40-hour workweek, 30 days of annual leave, and sick leave. Laws establishing work conditions were not applied uniformly to foreign workers.

The Government has issued occupational health and safety standards; however, compliance and enforcement appeared poor, especially with respect to unskilled foreign laborers. To decrease accident rates, the Government periodically inspected installations to raise awareness among workers and employers, and to ensure that they abided by the safety rules, controlled the pollution resulting from certain dangerous industries, trained workers who use new machines in specialized institutes, and reported violations. Workers had the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and legal protection existed for both citizen and foreign workers who filed complaints about such conditions. However, the Government never has devoted sufficient attention to worker safety issues, which has resulted in poor training of inspectors, inadequate injury reports, and no link between insurance payments and accident reports.

While the law mandates that all outdoor work stop in the event that the temperature rises above 122 degrees Fahrenheit, there were allegations that the Government's meteorological division falsified official readings to allow work to proceed; however, the Meteorological Division consistently has denied these allegations. During the months of July and August 2001, the official temperature was documented above 122 degrees Fahrenheit on several occasions, but work reportedly continued at many outdoor locations. At the Ahmadi Port refinery, work continued in intense heat despite the collapse of three workers. Refinery shift supervisors reportedly asked for postponement of outdoor activities until the evening, but management refused their request.

Employers often exploited workers' willingness to accept substandard conditions. Some foreign workers, especially unskilled or semiskilled South Asian workers, lived and worked much like indentured servants, were unaware of their legal rights, and generally lacked the means to pursue a legal remedy. They frequently faced contractual disputes and poor working conditions, and may face physical and sexual abuse (see Sections 5 and 6.c.). Most were in debt to their employers before they arrived in the country and had little choice but to accept the employer's conditions, even if they breached the contractual terms. It was not uncommon for wages to be withheld for a period of months, or to be decreased substantially. Many foreign workers were forced to live in "housing camps," which generally were overcrowded and lacked adequate cooking and bathroom facilities. Workers were housed 10 or more to a room in squalid conditions, many without access to adequate running water. The workers were only allowed off the camp compound on company transport or by permission of the employer. Foreign workers' ability to change their employment was limited, and, in some cases, employers' possession of foreign workers' passports allowed them to exercise control over such employees (see Section 6.c.). Many foreign workers went heavily into debt and could not afford to return home.

The Labor Law discriminates against foreign workers by limiting their ability to join unions (see Section 6.a.). The KTUF administered an Expatriate Labor Office, which was authorized to investigate complaints of foreign laborers and provide them with free legal advice. However, these services were not utilized widely. Any foreign worker could submit a grievance to the labor office regardless of union status.

The Labor Law provides for employer-provided medical care and compensation to both citizen and foreign workers disabled by injury or disease due to job-related causes. Once a worker files a claim, the courts decide the amount of compensation, which is paid in one lump sum rather than monthly payments. Workers, especially foreigners, have had difficulty enforcing such decisions. The law also requires that employers provide periodic medical examinations to workers exposed to environmental hazards on the job, such as chemicals and asbestos. Foreigners must pay high fees for medical care, both yearly and each time medical care is provided. Many employers deducted the medical fees from employees' salaries. Adequate and affordable health care remained a problem for many foreign workers. No health insurance system existed.

Domestic servants were not covered under the Labor Law. Those who flee their employers may be treated as criminals, although the authorities usually did not prosecute them. In some reported cases, employers illegally withheld wages from domestic servants to cover the costs involved in bringing them to the country. It is also a common practice for employers illegally to withhold their passports. Maids paid the same amount or more than other unskilled or semiskilled workers for visas to work in the country.

Runaway servants often sought help at their country's embassy for either repatriation or assistance in dealing with employers. The numbers of servants in need of assistance remained high during the year as conditions for domestic employees remained poor.

Although most such workers sought shelter due to contractual or financial problems with their employers, some women also alleged physical and sexual abuse. Some embassies continued to report the steady occurrence of physical abuse and mistreatment involving domestic servants, including withheld salaries, overwork, and not being fed regularly or enough. Each government has attempted to register its nationals who arrive to work in the country as domestic employees and to regulate recruiting agents in their home countries, without much success. Limited services provided by the police facility designated to mediate among embassies, domestic workers, and employers made it very difficult for domestic servants to file complaints, receive withheld salary, or reach settlement in cases of mistreatment. Domestic servants must deal with neighborhood police stations, whose personnel are untrained and inexperienced in handling their cases and often side with the employer (see Sections 5 and 6.c.).

Some countries either have warned their female citizens about such work conditions or banned them altogether from working in the country as domestic servants. The Government of India officially banned its nationals from working in the country as domestic employees, but Indian nationals still buy visas and enter the country as domestic workers. In 2000 the Egyptian Foreign Minister warned women seeking employment in all Gulf countries to "exercise caution" and to avoid being forced into illegal activities. In June 2001, the Bangladeshi Government lifted its ban on domestic servants coming to the country.

The courts find in favor of employees in an estimated 90 percent of the labor disputes they hear, but this success did not result in improved conditions for foreign workers. No legal mechanism exists for foreign workers to enforce settlements. There is no compulsion for employers to obey court rulings, and workers often did not receive court-ordered compensation. Employers also reportedly used illegal methods to pressure foreign employees to drop cases against them, such as by withholding their passports, encouraging police intimidation and brutality, and filing criminal charges against them for fabricated crimes, such as theft.

f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons, although laws against slavery, prostitution, forced labor, coercion, kidnaping, and other acts could be used to prosecute traffickers. The Government has ratified some international conventions that commit it to apply these laws.

In April a report on female foreign workers in the country showed that the migrants had been promised domestic work, but often were employed in other work. In addition, many were expected to provide sexual services in addition to their domestic services and a modest proportion were engaged in prostitution exclusively.

In three incidents during the year, procurers kidnaped domestic servants off the street and temporarily forced them into prostitution. In these cases, the kidnapers were arrested and the domestic servants released.

In 2001 police broke up several organized rings involved in prostitution and the trading of sex slaves. In one of the rings, approximately 100 prostitutes, along with their pimps and clients, were arrested. Fifty were young Asian women who had been traded as sex slaves.